

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

KENNON AUNRI JOHNSON

PETITIONER

v.

CIVIL ACTION NO. 2:20-cv-107-TBM-MTP

**SHERIFF JOE BERLIN,
CAPTAIN JASON R. ANDERSON,
and WARDEN T. WINDHAM**

RESPONDENTS

**ORDER ADOPTING REPORT AND RECOMMENDATION
AND GRANTING RESPONDENTS' MOTION TO DISMISS**

Before the Court is the Report and Recommendation [14] entered by United States Magistrate Judge Michael T. Parker on October 28, 2020. Judge Parker recommends that Respondents' Motion to Dismiss [9], filed by Sheriff Joe Berlin, Captain Jason R. Anderson, and Warden T. Windham, be granted because Petitioner Kennon Johnson failed to exhaust administrative remedies in state court. Accordingly, Judge Parker recommends that Petitioner's Writ of Habeas Corpus [1] be denied and that the action be dismissed without prejudice.

On May 10, 2021, this Court entered an Order [19] sua sponte granting Petitioner additional time to object to the Report and Recommendation, given that Petitioner had made claims of not receiving his mail. The Court also included with that Order copies of Respondents' Reply to Response in Opposition to Motion to Dismiss [13] and Judge Parker's Report and Recommendation [14]. These documents were mailed to Petitioner's original address at the Jones County Adult Detention Center and his updated address in Meridian, Mississippi.¹ The Court further ordered that the Petitioner should advise the Court whether he remained incarcerated in a Mississippi detention center or had been released.

¹The Order and additional documents sent to the detention center address were returned as undeliverable. The copies sent to the Meridian residential address were not returned.

Petitioner has not responded to the Court's Order extending time to file objections and requiring Petitioner to provide additional information, nor has he not filed any formal objection to the Report and Recommendation. The original and extended deadlines for filing an objection have expired. "When a party fails timely to file written objections to the magistrate judge's proposed findings, conclusions, and recommendation, that party is barred from attacking on appeal the unobjected-to proposed findings and conclusions which the district court accepted, except for plain error." *Casas v. Aduddell*, 404 F. App'x 879, 881 (5th Cir. 2010); *see also Thomas v. Arn*, 474 U.S. 140, 152 (1985) ("There is no indication that Congress, in enacting § 636(b)(1)(C), intended to require a district judge to review a magistrate's report to which no objections are filed."). Having considered Judge Parker's Report and Recommendation, the Court finds that it is neither clearly erroneous nor contrary to law.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Report and Recommendation [14] entered by United States Magistrate Michael T. Parker is ADOPTED as the opinion of the Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that the Motion to Dismiss [9] filed by Sheriff Joe Berlin, Captain Jason R. Anderson, and Warden T. Windham is GRANTED; the Petition for Writ of Habeas Corpus [1] filed by Kennon Aunri Johnson is DENIED; and this action is DISMISSED WITHOUT PREJUDICE.

SO ORDERED AND ADJUDGED, this the 1st day of June, 2021.



TAYLOR B. MCNEEL
UNITED STATES DISTRICT JUDGE